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OFFICE OF PETITIONS

In re Patent No. 6,762,341 :
Issued: July 13, 2004 :
Application No. 09/780,724 : PATENT TERM ADJUSTMENT
Filed: February 9, 2001 :
Atty. Dkt. No.: JB01066Q :

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d)," filed August 2, 2004.

The application for patent term adjustment ("PTA") under 37 CFR 1.705(d) is **GRANTED**.

The above-identified application matured into U.S. Patent No. 6,762,341 on July 13, 2004. The instant request for reconsideration was timely filed August 2, 2004 in accordance with 37 CFR 1.705(d). The Determination of Patent Term Adjustment under 35 USC 154(b) indicated a PTA of 424 days. The patent issued with a PTA of 310 days. The required application fee was submitted herewith.

Applicant argues that at the time of issuance of the patent a PTA of 424 was in order and that the reduction of an additional 114 days is in error. A reduction of 86 days was assessed for submission of a miscellaneous incoming paper on March 22, 2004. An additional reduction of 28 days under 37 CFR 1.705(c)(10) was assessed for drawings.

The correct PTA at the time of issuance of the patent is 424 days as argued by applicant. The Office proposes to correct this error by issuance of a certificate of correction to indicate that subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 424 days.

The reduction of 86 days for submission of a miscellaneous paper on March 22, 2004 is in error. The paper submitted March 22, 2004 was in fact a statement of the substance of an interview expressly requested by the examiner in the Interview Summary (PTOL-413) mailed February 17, 2004. Thus, the paper is not considered a failure to engage in reasonable efforts to conclude prosecution of the application under 37 CFR 1.704(c)(10).

Furthermore, it is acknowledged that the application was filed without drawings. Thus the reduction of 28 days under 37 CFR 1.705(c)(10) is in error.

This application file is being forwarded to the Certificate of Corrections branch for issuance of a certificate of correction indicating that subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 424 days. No additional fees are due in connection with this matter.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (703) 305-0310.

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